

APPEAL NO. 042249  
FILED OCTOBER 28, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 23, 2004. The hearing officer determined that the decision of the Independent Review Organization (IRO), finding that the proposed surgery for respondent (claimant) is not medically necessary, is not supported by a preponderance of the evidence. Appellant (carrier) appeals this decision. The file does not contain a response from claimant.

DECISION

We affirm.

The applicable law and our appellate standard of review are discussed in Texas Workers' Compensation Commission Appeal No. 021958-s, decided September 16, 2002. The hearing officer concluded that the decision and order of the IRO was not supported by a preponderance of the evidence. We have reviewed the complained-of determination and conclude that the issue involved a fact question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination is supported by the record and is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). We also conclude that there was no legal error in the application of the law in this case.

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750  
AUSTIN, TEXAS 78701.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Edward Vilano  
Appeals Judge